Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Provision of Directory Listing Information Under the Telecommunications Act of 1934, As Amended	)	CC Docket No. 99-273
	)	
The Use of N11 Codes and Other Abbreviated Dialing Arrangements	)	CC Docket No. 92-105
	)	
Administration of the North American Numbering Plan	)	CC Docket No. 92-237
	)	
TO: The Commission	)	

REPLY COMMENTS OF INFONXX, INC.

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INTRODUCTION AND SUMMARY

This proceeding presents a valuable opportunity for the Commission finally to enable true competition in the retail wireline directory assistance ("DA") market. The initial comments reflect general agreement among various parties, including state regulatory commissions and competitive DA providers, that competition has not developed in the retail wireline DA market. The contrary arguments come primarily from incumbent local exchange carriers ("LECs") with a vested interest in retaining control over the traditional 411 and 555-1212 DA dial codes and, consequently, the DA services available to their customers; these arguments ring hollow.

Although the record also reflects substantial concern about the costs and complexities of 411 presubscription, InfoNXX's 555 proposal stands out as a cost-effective and efficient solution to transition to a competitive retail DA market. Using 555 numbers for competitive and incumbent DA service (and for other information services) is less costly and

complex than the other proposals being considered because the features and functionalities necessary to recognize and route 555 calls already exist in the LECs' networks. Furthermore, by requiring implementation of 555 numbers for DA competition in this proceeding, the Commission will ensure that the more than seven thousand 555 numbers that have been unusable for nearly eight years will become available for the provision of new information services to consumers. The Commission has broad authority to implement a 555 number solution and should do so promptly.

To make the transition to a competitive retail wireline DA market complete, the Commission also should eliminate the 411 and 555-1212 default DA codes and require all wireline DA providers to use new 555 numbers. This move will entail little consumer confusion because consumers already use the 555 NXX for DA, but will have a large competitive impact. The European experience demonstrates that the elimination of incumbent use of the default DA code is a prerequisite to genuine competition. We agree with the non-LEC commenters that the Commission should act expeditiously so that American consumers may reap the benefits of improved DA service offerings.

I. ROBUST COMPETITION HAS NOT DEVELOPED IN THE WIRELINE RETAIL DIRECTORY ASSISTANCE MARKET.

To achieve the goal of the Telecommunications Act of 1996 -- bringing competition to *all* telecommunications markets -- the Commission must take regulatory steps to ensure that consumers receive the benefits of competitive retail wireline DA services, including a panoply of enhanced service offerings. The incumbent DA providers have tried to distort the debate by defining the market so broadly that virtually any directory or data service is a substitute for 411 and then claiming that the share of this massive directory "market" occupied by 411 (and 555-1212) services is so small that competition must already exist in the wireline

retail DA market.[1] Both common sense and the record evidence refute that claim. Though there are companies such as InfoNXX serving the wireline DA market, these alternatives are available predominantly to carriers, not consumers.[2] The other information sources cited by the LECs (from PDAs to the white pages) likewise do not offer telephone-based alternatives to consumers. Despite the Bells' reliance on these non-telephonic sources of directory information, the fact remains that wireline consumers have few wireline-based DA alternatives. The comments from the state regulatory commissions confirm this fact.[3] The few available telephone-based DA alternatives are overshadowed by the incumbent LECs' monopoly hold on the 411 (and 555-1212) code.

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[1] *See generally Competition and Regulation for Directory Assistance Services*, National Economic Research Associates, Inc., William E. Taylor and Harold Ware (Apr. 1, 2002) (filed by BellSouth, Qwest, SBC and Verizon); Comments of SBC Communications Inc., CC Docket No. 99-273 (Apr. 1, 2002) ("*SBC Comments*"); Comments of BellSouth, CC Docket No. 99-273 (Apr. 1, 2002) ("*BellSouth Comments*"); Comments of Qwest Corporation, CC Docket No. 99-273 (Apr. 1, 2002) ("*Qwest Comments*"); Comments of Verizon, CC Docket No. 99-273 (Apr. 1, 2002) ("*Verizon Comments*"); *see also* Comments of AT&T Corp., CC Docket No. 99-273 (Apr. 1, 2002) ("*AT&T Comments*"); Comments of Sprint Corporation, CC Docket No. 99-273 (Apr. 1, 2002) ("*Sprint Comments*").

[2] The LECs claim that the Commission has found the DA market competitive in the context of the Section 251 unbundled network element proceeding. *See Verizon Comments,* at 8-9; *Qwest Comments*, at 8 n.23; *SBC Comments*, at 23; *see also Sprint Comments,* at 4. This argument misses the point that this proceeding is about bringing competition to consumers, not carriers. Moreover, the LECs' contention that the services InfoNXX hopes to offer through its 555 numbers are competitive alternatives available in the marketplace today are particularly disingenuous, *Verizon Comments*, at 11, given that the LECs themselves have refused to make the network modifications necessary to activate InfoNXX's 555 numbers. *See* Comments of InfoNXX, Inc., CC Docket No. 99-273, at 9 (Apr. 1, 2002) ("*InfoNXX Comments*"). InfoNXX has been able to launch the pilot program for its innovative 555 services only through wireless carriers. *Id.* at 8-9.

[3] *See* Comments of California Public Utilities Commission, CC Docket No. 99-273 (March 29, 2002) ("*CPUC Comments*"); Comments of Nebraska Public Service Commission, CC Docket No. 99-273 (Apr. 1, 2002) ("*N-PSC Comments*"); Comments of Pennsylvania Office of Consumer Advocates, CC Docket No. 99-273 (Apr. 1, 2002) ("*PA OCA Comments*"); Comments of Oklahoma Corporation Commission, CC Docket No. 99-273 (Apr. 1, 2002) ("*OKCC Comments*"); Comments of New Jersey Division of Rate Payer Advocate, CC Docket No. 99-273 (Mar. 18, 2002) ("*NJ DRPA Comments*").

The incumbent LECs also attempt to argue that "00" and other DA services offered by interexchange carriers ("IXCs") provide sufficient competition to allay the need for regulatory action.[4] But because of the inherent disadvantages of using a little-known dial string, these services are not widely used and in fact are losing market share as local incumbent providers introduce nationwide directory assistance service (NDA) through 411 and 555-1212. Indeed, even AT&T does not use the availability of IXC DA service offerings as a rationale for claiming that regulatory action is unnecessary.[5] And WorldCom states that the wireline DA market is dominated by the incumbent LECs as a result of their long-standing monopoly in the local exchange market and consequential control of the 411 and 555-1212 dialing codes.[6]

Because more than ninety percent of consumers remain captive customers of their incumbent carriers for local service, most consumers' access to easy-to-dial DA services is limited to the offering of their incumbent carrier. The comments by the incumbent LECs do not challenge this assertion; instead, they assert the same argument that was used against equal access twenty years ago: having to dial more numbers should not matter to consumers, and a longer dial string is an acceptable substitute for a short dial string. The Commission rejected that argument then and should do so here. Wireline consumers should have access to competitive DA alternatives without having to dial extra numbers, change local carriers or subscribe to a wireless service.

The incumbent LECs further argue that there is insufficient consumer demand to justify imposing regulatory obligations to bring DA competition to the wireline market. But this

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[4] *See, e.g., SBC Comments*, at 3; *BellSouth Comments*, at 14; *Verizon Comments*, at 10.

[5] *See AT&T Comments.*

[6] *See* Comments of WorldCom, Inc., CC Docket No. 99-273, at 4 (Apr. 1, 2002) ("*WorldCom Comments*").

is a claim that can be made against any new service -- no one demands it before it is available.[7] However, the DA market today is a $3 billion business with significant growth potential, particularly for enhanced services.[8] The incumbent LECs have stifled the entry of competitive providers so that new entrants have been unable to offer and advertise new and innovative services.[9] As a consequence, significant consumer demand for these products is not yet apparent. However, consumer demand for and use of these new services can be expected to increase dramatically once the services are widely available. This has been the experience of InfoNXX in the wireless DA market, where call volumes have increased with the introduction of innovative, enhanced information services.[10] As the Telegate comments point out, this effect also has been seen in Ireland, where the introduction of wireline DA competition prompted such increases in consumer demand that not only have competitors been able to win market share, but the incumbent carrier's DA revenues have also increased.[11] We have no reason to doubt that the same can be expected in the wireline DA market in the United States.

When the incumbent LECs argue that the DA market is mature and that future projections indicate that call volumes and revenues have been and will continue to decline, they fail to provide the entire story.[12] Wireline DA markets are expected to shrink at least in part because new and innovative service offerings are not yet available to stimulate customer

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[7] *See Verizon Comments*, at 14-15; *SBC Comments*, at 25.

[8] *See* Affidavit of Robert Pines, CEO and President of InfoNXX, Inc., ¶ 8 (attached hereto as Attachment 1) ("*Pines Affidavit*").

[9] *Id.* ¶¶ 11-15.

[10] *Id.* ¶ 8.

[11] *See* Comments of Telegate, Inc., CC Docket No. 99-273, at 4 (Apr. 1, 2002) ("*Telegate Comments*").

[12] *See Verizon Comments*, at 9, 13; *Qwest Comments*, at 3-5.

demand. On the other hand, demand for enhanced DA services is expected to grow.[13] Companies such as InfoNXX plan to spend tens of millions of dollars on advertising to educate consumers about the enhanced services one can receive from a DA call, such as category and "yellow page" searches, driving directions, movie listings and show times, event information and ticket purchases, and weather, sports and stock reports.[14] Thus, growth in enhanced DA services need not be limited to the wholesale market. With appropriate Commission action and LEC cooperation, the wireline DA market would grow and consumers (as well as carriers) would reap the benefits of retail wireline DA competition in the form of new services at lower prices.

II. REGULATORY ACTION TO REMOVE BARRIERS TO RETAIL DA COMPETITION NEED NOT BE UNDULY BURDENSOME.

Among the various proposals before the Commission, only InfoNXX's 555 proposal is adequate to accomplish the goal of introducing genuine competition in the market for retail wireline DA services while imposing minimal regulatory burdens. InfoNXX agrees with the majority of commenters who argue that 411 presubscription is not a viable solution because it would be too administratively complex, costly and time consuming.[15] However, we disagree

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[13] A recent Frost & Sullivan report projected significant growth for wholesale enhanced DA and wireless DA volume and revenue through 2006. *See, e.g.*, *ex parte* letter from Melissa E. Newman, Vice President - Federal Regulatory, Qwest to Gregory Cooke, Assistant Division Chief, Network Services Division, CC Docket 99-273 (May 24, 2001) (citing *Local Directory Assistance Services Report*, Frost & Sullivan 46 (2000) ("*Frost & Sullivan Report*")). The study projected that wholesale enhanced DA call volume would increase to 52.5 million calls and $20 million in revenue by 2006 compared with 20.9 million calls and $10.2 million in revenue in 1997. According to another Frost & Sullivan report, the wireless DA growth rate is projected to be 13.3 percent. *See ex parte* letter from Michael D. Alarcon, Executive Director Federal Regulatory, SBC to Secretary of the FCC, CC Docket No. 99-273 (Oct. 31, 2001).

[14] *See Pines Affidavit* ¶¶ 5, 8.

[15] *Compare BellSouth Comments*, at 23-26; *SBC Comments*, at 27-38; *Verizon Comments*; *AT&T Comments*, at 4-8; *Sprint Comments* at 5-8; *InfoNXX Comments*, at 14-18 (stating that 411 presubscription is too complex and costly to implement) *with WorldCom Comments*; *Telegate Comments* (supporting 411 presubscription).

with the LECs' approach that attempts to discredit all of the proposals before the Commission by addressing them collectively and dismissing them all as too burdensome.[16] Each proposal should be evaluated individually on its own merits.

A. InfoNXX's 555 Number Proposal Can Be Implemented Easily And Inexpensively.

Requiring all DA providers to use 555 numbers and mandating activation of 555 numbers is clearly the least burdensome and most efficient way to foster competition in the retail wireline DA market.[17] The attached affidavit of J. Alfred Baird, who has over three decades of experience in the telecommunications industry, including more than two decades in the operation and management of ILEC networks and in the industry fora that addressed the 555 issue, explains in detail that incumbent LEC networks already contain the features and functionalities necessary to translate and route 555 numbers without undue expense.[18] While some system and software upgrades would be necessary, the time and cost necessary to implement these changes is minimal.[19] Moreover, the industry standard-setting groups in which the LECs actively

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[16] *See, e.g., BellSouth Comments*, at 4, 30; *see also AT&T Comments*, at 14 n.31.

[17] Metro One Telecommunications, Inc. ("Metro One") also supports implementation of 555 numbers, but as part of a multi-step plan to eliminate the LEC (and wireless) 411 monopoly. Metro One's three-step process has some merit but is unnecessarily complicated. Metro One asks the Commission to: (1) require LECs and wireless carriers to implement 1010 access dialing for "DA toll providers" within 30 days after a DA provider's request; (2) implement 411-ACIC and 555-XXXX dialing patterns for access to DA toll providers; and (3) after implementation of alternative dialing patterns, consider 411 presubscription through AIN-based 411 dialing or voice recognition. *See* Comments of Metro One Telecommunications, Inc., CC Docket No. 99-273, at 4-6 (Apr. 1, 2002) ("*Metro One Comments*").

[18] *See* Affidavit of J. Alfred Baird, ¶ 11 (attached hereto as Attachment 2) ("*Baird Affidavit*").

[19] *Id.* ¶¶ 12-13.

participated have already established guidelines for the translation, routing and signaling of non-LEC 555 numbers.[20]

As the Baird Affidavit explains, because LECs already route their own 555 numbers (including 555-1212 and others),[21] most LEC switches already perform the 3-digit and 6-digit analyses necessary to recognize 555-XXXX and NPA-555-XXXX calls.[22] For those LEC switches that do not recognize 555 calls, the LEC would need only "open" the 555 code in the end office, something that is done in similar circumstances every day.[23] To the extent that LEC networks must be updated to analyze the XXXX digits of non-LEC 555 numbers, this can be done relatively easily by updating the digit translation tables in the LECs' Tandems.[24] A LEC's end office switches can then route 555 calls to the LEC's Tandem for translation, with routing instructions retrieved and provided to the end office switch via either Intelligent Network (IN)/Advanced Intelligent Network (AIN) capabilities or Feature Group B-type routing functionalities.[25] Finally, any calling or called party information necessary to properly route and bill 555 calls can be transmitted to the 555 number holder's designated carrier through the

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[20] *See 555 Technical Service Interconnection Arrangements*, ICCF 96-0411-014 (reissued Sept. 10, 1999) (originally submitted to the Commission with *ex parte* letter of Gerard J. Waldron, Attorney for InfoNXX, Inc., to Ms. Magalie Roman Salas, Secretary of the Commission (May 24, 2001)); *see also Baird Affidavit* ¶¶ 4, 6 & 7.

[21] LECs currently make 555 numbers available to their customers both for DA (555-1212) and for reporting network outages and requesting service calls. For example, Verizon/Bell Atlantic customers in Maine, New Hampshire and Vermont can use 555-1611 to report network outages.

[22] *Baird Affidavit* ¶ 12.

[23] *Id.* ¶ 12.

[24] *Id.* ¶¶ 8, 13.

[25] *Id.* ¶ 8.

Feature Group D signaling protocol or the widely-deployed Signaling System 7 (SS7) local signaling network.[26]

Because, as the Baird Affidavit explains, all of the elements necessary to successfully route and complete a 555 call are already widely deployed in LEC networks today (or can be deployed easily using well-established processes), there is no compelling reason for the Commission to continue to permit incumbent LECs to deny 555 number holders access to the valuable numbering resources assigned to them nearly a decade ago.[27]

B. Implementation Of A 555 Solution Would Benefit All 555 Number Holders And The Consumers Who Would Use Their Services.

Implementation of a 555 number solution has collateral benefits for consumers and a range of information service providers outside the DA context. The first 555 numbers were assigned in 1994 with the expectation that they would be used for a variety of information services, including but not limited to DA. Since 1994, over seven thousand 555 numbers have been assigned to entities as diverse as The Baltimore Sun, AOL Moviefone, Coca-Cola Beverages, Compuserve, Cox Communications, FTD Direct Access, Gannett, GEICO Insurance, Post-Newsweek Cable and The Washington Post.[28] Despite the nearly eight years that have elapsed since 555 numbers were initially assigned, incumbent LECs still have not made the network modifications necessary to enable 555 number holders to activate and utilize their numbers. Indeed, despite the LECs' routine use of 555 numbers for their own services, not a single non-LEC 555 number has been activated. As a result, many 555 number holders have, at least temporarily, abandoned their plans to bring new information services to the public through

[26] *Id.* ¶¶ 10, 15.

[27] *Id.* ¶ 16.

[28] *See 555 Line Numbers (As of April 23, 2002): Current 555 Number Assignments*, available at http://www.nanpa.com/number_resource_info/555_numbers.html.

widely-available 555 numbers, and consumers have been denied the potential benefits of such services.

A few 555 number holders (primarily competitive DA providers) have recently rekindled their efforts to gain access to the numbering resources assigned to them, but their efforts have been rebuffed by the incumbent LECs. For example, the comments of Premiere Network Services, Inc. ("Premiere"), a 555 number holder intending to offer DA as well as other information services, describe the significant LEC roadblocks Premiere has faced in attempting to bring its proposed services to consumers. According to Premiere, over the last two years it has attempted to negotiate with Southwestern Bell Telephone Company ("SWBT") to update its network to accommodate Premiere's 555 numbers.[29] SWBT has refused to open the 555 NXX code unless Premiere agrees to pay over $3 million dollars merely for an initial analysis of the project.[30] Metro One likewise notes that it has been unable to obtain implementation of its 555 numbers by incumbent LECs.[31] Finally, InfoNXX's initial comments describe the entrenched incumbent LEC resistance that InfoNXX has encountered in attempting to introduce innovative DA services to consumers through InfoNXX's assigned 555 numbers.[32] Additional details are set forth in the attached affidavit of Robert Pines, InfoNXX's CEO and President.[33]

Given the incumbent LECs' intransigence in implementing 555 numbers that were assigned long ago pursuant to Commission authority, regulatory action is required to ensure

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[29] *See generally* Comments of Premiere Network Services, Inc., CC Docket No. 99-273 (Apr. 1, 2002) ("*Premiere Comments*").

[30] Currently, a caller trying to reach a Premiere 555 number must dial 18 digits (e.g., 10 10 XXX 1 (NPA) 555-XXXX) compared with 10 digits necessary to reach a SWBT 555 number. *See Premiere Comments*, at 2.

[31] *See Metro One Comments*, at 21.

[32] *InfoNXX Comments*, at 8-9.

[33] *See Pines Affidavit* ¶¶ 11-16.

that 555 numbers are implemented in a timely and nondiscriminatory manner so that all 555 number holders can have the opportunity to bring innovative information services to consumers.

C. The Commission Has Broad Authority to Adopt and Implement A 555 Number Solution for DA Services.

For the most part, commenters do not challenge the Commission's broad authority pursuant to Sections 201(b), 202(a), 251(b)(3) and 251(e) of the Communications Act of 1934, as amended (the "Act"); the Commission's rules and precedents; and industry guidelines to require incumbent LECs to make the necessary network changes to ensure 555 numbers are implemented.

The Commission has plenary numbering authority in the United States pursuant to Section 251(e), which also encompasses the authority to ensure that assigned numbers are placed into service.[34] This authority gives the Commission ample basis to require incumbent LECs to activate and implement 555 numbers in a just, reasonable and nondiscriminatory manner.[35] Beyond that broad authority, the Commission is required to enforce the LECs' obligation, pursuant to Section 251(b)(3), to provide competitors with dialing parity and nondiscriminatory access to telephone numbers. Incumbent LEC arguments that the dialing parity requirements of Section 251(b)(3) do not apply to any DA providers are without merit.[36] The Commission concluded in the *SLI/DA First Report and Order* that, to the extent that a DA provider provides call completion services, it is a telephone exchange service provider entitled to the protections of

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[34] *See* 47 U.S.C. § 251(e).

[35] *See InfoNXX Comments*, at 24-27.

[36] To support this argument, the incumbent LECs cite a 1998 Commission Declaratory Ruling that was effectively overruled by the Commission's decision in its First Report and Order in this proceeding. *See SBC Comments*, at 9; *BellSouth Comments*, at 6.

Section 251(b).[37] Furthermore, as explained in Premiere's comments, the Commission's rules elaborating on the nondiscriminatory access and dialing parity requirements apply to the implementation of 555 numbers and require that LECs provide access to these numbers that is identical to the access the LEC provides itself.[38] Thus, a LEC violates Section 251(b)(3) and the Commission's rules when it refuses to give competitors access to their 555 numbers or requires customers of a competing carrier to dial eight more digits to reach their DA provider of choice.[39]

Finally, Sections 202(a) and 201(b) prohibit incumbent LECs from discriminating against other telecommunications carriers, including by imposing unjust charges or refusing to make numbers available on an equitable basis. These requirements prohibit LECs from charging competing carriers for 555 number implementation unless they make the service available to all carriers and charge a uniform fee to all carriers *including themselves*, and prohibit LECs from charging fees that are not just and reasonable.[40] Incumbent LEC stonewalling and excessive charges quoted to competitors are clearly prohibited under these provisions.[41]

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[37] *See Provision of Directory Listing Information Under the Telecommunications Act of 1934, as amended*, First Report and Order, 16 FCC Rcd 2736, 2746 (2001) ("*SLI/DA First Report and Order*").

[38] *See Premiere Comments*, at 8-12; *see also* 47 C.F.R. § 51.217(a) & (c)(1) (stating in pertinent part that "'non-discriminatory access' refers to access to telephone numbers ... that is at least equal to the access that the providing local exchange carrier itself receives" and that a "LEC shall permit competing providers to have access to telephone numbers that is identical to the access that the LEC provides itself"); 47 C.F.R. § 51.207 (stating in pertinent part that a "LEC shall permit telephone exchange service customers within a local dialing area to dial the same number of digits to make a local telephone call notwithstanding the identity of the customer's or the called party's telecommunications service providers").

[39] *See supra* note 30.

[40] In the case of "code opening," the Commission has concluded that the LECs may not charge a fee at all "because the code opening process involves reciprocal obligations among carriers pursuant to Section 251(a) of the Act," and the "expenses associated with code opening are a cost of doing business that mutually benefits all entities utilizing the PSTN and are essential to the ongoing 'interconnectiveness' of the telecommunications network." *See Implementation of*

(continued...)

Finally, we agree with Premiere's comments that the Commission's "code opening" requirements impose on incumbent LECs the obligation to make the necessary network upgrades including "the updating of the translation table, certain switches, and other network elements by each entity interconnecting to the public switched telephone network ("PSTN") to allow that entity to route telephone calls and process rate information within its own network."[42] Thus, Commission precedent requires LECs to make the necessary system upgrades to properly route competitors' 555 numbers within a reasonable time and for reasonable and nondiscriminatory charges.

Accordingly, the Commission has ample authority to confirm the incumbent LECs' obligation to implement non-LEC 555 numbers promptly and in a nondiscriminatory manner.[43]

III. ELIMINATING THE USE OF 411 FOR ILEC DA SERVICES IS THE ONLY WAY TO CREATE FAIR AND EFFECTIVE RETAIL DA COMPETITION.

Most competitive DA providers support elimination of the 411 code where alternative dialing options are available.[44] Robust competition in the wireline retail DA market will develop only if the incumbent LECs' exclusive use of the traditional 411 and 555-1212 DA dial codes is eliminated.

(continued . . .)
the Local Competition Provisions of the Telecommunications Act of 1996, 14 FCC Rcd 17,964, 18,018-19 (1999) ("*10-Digit Dialing Order*"); *see also Premiere Comments*, at 7-8.

[41] In the *10-Digit Dialing Order*, the Commission concluded that LECs could impose reasonable initial connection charges to cover the costs of software upgrades and other costs associated with the provision of new numbers. *See 10-Digit Dialing Order*, 14 FCC Rcd at 18,017-18. *See also Premiere Comments*, at 5.

[42] *See 10-Digit Dialing Order*, 14 FCC Rcd at 18,017; *see also Premiere Comments*, at 5.

[43] *See Premiere Comments*, at 4; *InfoNXX Comments*, at 24-27.

[44] *See WorldCom Comments*, at 2, 5; *Telegate Comments*, at 4, 21; *InfoNXX Comments*, at 18-21; Comments of Low Tech Designs, Inc., CC Docket No. 99-273, at 4 (Apr. 1, 2002).

The experience of European regulators supports this conclusion.[45] As Telegate's comments explain, European regulators who have tackled this issue generally have taken three routes to implement competition: (1) allowing incumbents to retain their exclusive right to use the default access code; (2) assigning new DA access codes to alternative providers while permitting incumbents to retain exclusive use of the default access code; and (3) assigning new DA numbers to all DA providers and eliminating the default code.[46] We agree with Telegate's assessment that only the third option has yielded true competition in European DA markets.[47] The European experience demonstrates that consumer decision-making with respect to DA services is so entrenched that even where new, higher-quality, consumer-friendly DA services were introduced, most consumers did not depart from using the default DA code where the default code remained available.[48] Thus, in Spain and the United Kingdom regulators initially

[45] The LECs' arguments that the European DA markets are so different from the U.S. market that the European experience can be ignored are not well taken. *Bellsouth Comments,* at 20-23; *SBC Comments,* at 52-55; *Verizon Comments,* at 17. The LECs are correct that the Commission should examine the U.S. market in determining *whether* regulatory action to promote competitive DA services is appropriate. However, once the decision has been made to take regulatory action (as we believe it should be for the reasons set forth herein and in our initial comments), the Commission would be wise to consider the experience of other regulators who have already pursued a variety of regulatory alternatives aimed at the very goals the Commission seeks to advance in this proceeding. European market characteristics can certainly be taken into account in this process, but here those circumstances enhance the arguments in favor of eliminating the default DA codes. According to the LECs, European consumers were even more starved for competitive DA alternatives than U.S. consumers and the quality of the incumbent services was poor. Based on those facts, one would expect that consumers would flock to high-quality alternatives when they became available; in fact, significant movement away from incumbent services occurred only where the default DA code was eliminated. *See Telegate Comments*, at 4-16.

[46] *See Telegate Comments*, at 5.

[47] *Id.* at 6.

[48] *Id.* at 5.

retained the incumbent default code, but ultimately determined to eliminate the default code after observing that retaining the default code stymied the growth of DA competition.[49]

Concerns raised by LECs about consumer confusion if 411 and 555-1212 are eliminated are overstated and refuted by experience. The recent history of the telecommunications industry shows that a transition plan that ensures that consumers are educated about their options greatly reduces consumer confusion relating to changes in dialing options. For example, the introduction of new area codes, which is more complex than InfoNXX's proposal to use 555 numbers for all DA services, has not caused undue consumer confusion because consumers are educated about such changes during a transition period. Similarly, the use of new NPAs (other than 800) for toll-free dialing did not cause customer confusion, despite some predictions to the contrary, because holders of these new toll-free numbers had the incentive to -- and did -- educate consumers about their toll-free status. The same would be true if 411 and 555-1212 were replaced with new 555 numbers during a reasonable transition period: DA providers would have an incentive to educate consumers about the changes and consumers would have sufficient time to learn about them. Moreover, the benefits that consumers would reap as a result of increased competition would greatly outweigh any initial confusion they might experience.

Finally, the Commission clearly has the authority to eliminate 411 and 555-1212 for DA services. Under its broad authority over numbering pursuant to Section 251(e), the Commission has the authority both to assign and reclaim N11 codes and other numbers.[50] In fact, even commenters who challenged whether the Commission's numbering authority extends

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[49] *Id.* at 6.

[50] 47 U.S.C. § 251(e); *see also InfoNXX Comments*, at 24-25.

to regulating *how* N11 services are delivered (including via 411 presubscription) did not question the Commission's authority to *eliminate* N11 codes for particular uses.

IV. THE COMMISSION SHOULD ADOPT A MINIMAL REGULATORY APPROACH TARGETED TO OPENING MARKETS DOMINATED BY MONOPOLY PROVIDERS.

Virtually all competitive DA providers agree that regulatory action is needed to promote competition in the wireline retail DA market, and that such regulation should be targeted to most effectively accomplish the Commission's goals. Although some competitors urge the Commission to extend such regulation to the wireless service providers, InfoNXX and others maintain that such action is unnecessary and at odds with the different market structures of the wireless and wireline telecommunications markets.[51]

Both Congress and the Commission previously have concluded that the wireless and wireline telecommunications markets are distinct and should be regulated differently. For example, in 1993 Congress required the Commission to preempt state regulation of rates for wireless services. Further, in the Telecommunications Act of 1996, Congress added a new provision that eliminated for wireless providers the obligation (still borne by all ILECs) to provide their subscribers with equal access to alternative long distance carriers.[52] Finally, in considering BellSouth's 271 application for Louisiana, the Commission concluded that broadband personal communications service (PCS) was not a substitute for local exchange service and therefore would not be considered in determining whether BellSouth's local markets

[51] *See Sprint Comments*, at 8-9.

[52] *See* Telecommunications Act of 1996, Pub. L. No. 104-104, § 705, 110 Stat. 56, 153 (codified at 47 U.S.C. § 332(c)(8)).

were sufficiently open to competition to support a grant of in-region long distance authority under Section 271.[53]

This disparate treatment reflects the very real differences in the competitive characteristics of the wireline and wireless markets. While local wireline services historically have been controlled by entities with monopoly control over local facilities, the wireless industry has grown up as a competitive market. The wireless market is a model for the success of competition -- to this day, no single wireless carrier is dominant in any market it serves -- while local wireline markets remain dominated by the incumbent LECs. In a market (like the wireless market) characterized by substantial competition, there is no need for regulatory intervention to protect consumers from the providers' decisions because consumers are free to choose among competitive alternatives if they are dissatisfied by those decisions. The same cannot be said for a market dominated by a historically monopolistic provider. Thus, it would be eminently reasonable for the Commission to conclude that the regulatory requirements necessary to open the retail wireline market to competition are unnecessary for the genuinely competitive wireless market.

CONCLUSION

In accordance with the foregoing, InfoNXX respectfully urges the Commission to adopt InfoNXX's 555 number proposal and reaffirm the LECs' obligations to make the network modifications necessary to implement non-LEC 555 numbers. In addition, the Commission should adopt a transition plan that phases out the use of the traditional 411 and 555-1212 DA

[53] *See In the Matter of Application of BellSouth Corporation, BellSouth Telecommunications, Inc., and BellSouth Long Distance, Inc., for Provision of In-Region, InterLATA Services in Louisiana*, 13 FCC Rcd 20,599, 20,621-26 (1998) (Cellular service was explicitly excluded by Section 271(c)(1)(A) of the Act).

access numbers. The Commission has broad statutory authority to take these steps, which will bring significant consumer benefits by promoting meaningful competition in the retail wireline DA market.

Respectfully submitted,

INFONXX, Inc.

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Its Attorneys

Dated: April 30, 2002

ATTACHMENT 1

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Provision of Directory Listing Information Under the Communications Act of 1934, As Amended	)	CC Docket No. 99-273
	)	
The Use of N11 Codes and Other Abbreviated Dialing Arrangements	)	CC Docket No. 92-105
	)	
Administration of the North American Numbering Plan	)	CC Docket No. 92-237
	)	
TO: The Commission	)	

AFFIDAVIT OF ROBERT PINES

1. My name is Robert Pines. I am the Chief Executive Officer and President of InfoNXX, Inc. ("InfoNXX"). Since co-founding InfoNXX in 1992, I have been intimately involved in all facets of the company's development. In my capacity as President of InfoNXX, I remain responsible for the management of all aspects of the company, including operations, product development, sales, finance and administration.

2. I received a Bachelor of Arts degree, *cum laude*, in Economics from Harvard College and a Masters of Business Administration, with honors, from The Wharton School of Business, University of Pennsylvania. Before founding INFONXX, I worked at Lehman Brothers in the Investment Banking department and at the management consulting firm of Corporate Decisions Inc., now part of Mercer Consulting. Since the founding of InfoNXX in

1992, I have acquired over ten (10) years experience in all aspects of the directory assistance business in the United States.

3. Founded in 1992 with the goal of offering a competitive alternative to the incumbent directory assistance provider, InfoNXX has been at the forefront of the development of competition in the wholesale directory assistance market. While InfoNXX initially served large corporate retail users, InfoNXX quickly realized that the retail customer base accessible to InfoNXX was limited and that significant growth opportunities were available only in the wholesale market. Accordingly, InfoNXX began providing DA services to wireless and competitive wireline carriers, and has grown into one of the largest competitive DA providers serving this market.

4. In just a decade, InfoNXX has grown from three employees to more than 2,050 employees, approximately 1,900 of whom work in InfoNXX's five call centers located in California, Arizona, Texas, North Carolina and the Philippines. InfoNXX is currently the second largest wholesale provider of enhanced directory assistance (EDA) service to the wireless industry, in addition to providing wholesale EDA services to a few select competitive local exchange carriers (CLECs). Through its wholesale arrangements, InfoNXX provides EDA services to approximately eighteen percent (18%) of the wireless subscribers in the United States. In total, InfoNXX provides EDA services to more than 200,000,000 callers per year.

5. In the decade since its founding, InfoNXX has been an innovator in the development of useful, customer-friendly information services that go beyond traditional directory assistance. InfoNXX has been a pioneer in DA innovations such as free call completion, category and "yellow page" searches, turn-by-turn driving directions, and information services including movie listings and show times, event information and ticket

purchases, and weather, sports and stock reports. In addition, InfoNXX offers TeleMas℠, a complete Spanish-language enhanced directory assistance service. Callers can access the TeleMas℠ service through technology that requests the caller's language preference or through a unique 555 number (available via wireless phone in some markets) that routes callers directly to bilingual operators. Spanish language callers then have access to InfoNXX's full package of services, plus additional information (through a database currently in development) on businesses that can accommodate Spanish-speaking callers.

6. Wireless customers appreciate the enhanced services InfoNXX provides, and InfoNXX's wireless call volume has grown steadily from 59.5 million calls in 1998 to 171.3 million calls in 2001.

7. InfoNXX is eager to expand its enhanced information service offerings to wireline customers. As in the wireless context, InfoNXX will offer wireline customers a comprehensive package of enhanced information services that go beyond traditional directory assistance to serve the diverse informational needs of today's consumer. In addition to the information services described above and the TeleMas℠ Spanish language service, InfoNXX plans to offer wireline and wireless customers alike its MobileSource℠ service, a "wireless white pages" service that will allow callers to reach wireless subscribers (whose wireless telephone numbers they do not know) while eliminating the three subscriber concerns with a wireless directory listing service: (1) maintaining number privacy, (2) maintaining control over use of the mobile telephone and (3) ensuring that calls from a wireless directory listing service are free to the recipient. MobileSource℠ will (1) protect the privacy of wireless subscribers by connecting callers to wireless subscribers without disclosing the subscribers' wireless numbers; (2) allow wireless subscribers to retain control over their phones by requiring callers to provide a voice

pre-announcement and giving the wireless subscriber the opportunity to accept the call, reject the call or send the call to voicemail; and (3) provide a "caller pays" environment that will ensure that wireless subscribers will not incur any charges for calls received through MobileSource℠. InfoNXX believes that MobileSource℠, TeleMas℠ and its other enhanced information services will be equally, if not more, useful and appealing to wireline customers as they are to wireless users.

8. Based on InfoNXX's experience in the wireless directory assistance market, InfoNXX believes there is strong demand for enhanced directory assistance services and anticipates that wireline directory assistance call volume will increase significantly once wireline customers have the opportunity to take advantage of the unique package of enhanced information services available through InfoNXX's competitive directory assistance service. InfoNXX intends to commit tens of millions of marketing dollars to educate consumers about the availability of its new and innovative services.

9. InfoNXX is unable to offer its enhanced information services to wireline customers without the assurance that those services will be readily accessible through an easy-to-remember number that can be marketed on a market-by-market and, ultimately, national basis. After considerable study, InfoNXX determined that the best such number would be a national 555 number that InfoNXX could roll out on a market-by-market basis. This conclusion was based on our understanding that the advertising expenditures required to develop brand awareness and stimulate demand for a new service are significant, and the value of those advertising dollars would be significantly diluted if the means through which consumers access the new service were not conducive to establishing initial brand awareness.

10. In 1994, the North American Numbering Plan Administrator (NANPA) assigned over seven thousand 555 numbers to a variety of individual entities pursuant to guidelines developed by the Alliance for Telecommunications Industry Solutions (ATIS)-sponsored Industry Number Committee (INC). *See 555 Assignment Guidelines*, INC 94-0429-002 (reissued Apr. 10, 2000); *555 Line Numbers (As Of April 23, 2002): Current 555 Number Assignments*, available at http://www.nanpa.com/number_resource_info/555_numbers.html. Through that process, InfoNXX received two 555 numbers.

11. InfoNXX has been unable to utilize its assigned 555 numbers to offer competitive directory assistance services to wireline customers because incumbent local exchange carriers (ILECs) have been unwilling to make the network modifications necessary to properly route calls to InfoNXX's 555 numbers.

12. For example, InfoNXX has been unable to obtain the cooperation of Qwest Corporation to implement InfoNXX's 555 numbers in Phoenix and Tucson, Arizona, where InfoNXX would like to offer its TeleMas℠ and MobileSource℠ services to wireline customers (and where these services are already available to some wireless subscribers). On May 11, 2001, InfoNXX sent a letter to Ms. Teresa Wahlert of Qwest-Arizona describing in detail InfoNXX's desired activation of InfoNXX's 555 numbers and furnishing a copy of the INC-issued *555 Technical Service Interconnection Arrangements* setting forth the industry consensus on potential interconnection arrangements for routing assigned 555 numbers. InfoNXX did not receive a response or any indication that its request was being considered. InfoNXX then sent a follow-up letter to Mr. Joseph Nacchio, Chairman and CEO of Qwest International, Inc., on June 19, 2001. Following this letter, Qwest finally contacted InfoNXX to discuss its request in August 2001.

13. Qwest initially indicated to InfoNXX that it could not implement a 555 routing service. After InfoNXX again provided Qwest with a copy of INC's *555 Technical Service Interconnection Guidelines*, Qwest began its process of reviewing the technical standards and defining the final scope of work. Qwest notified InfoNXX verbally that it would take between six (6) and nine (9) months to implement an Advanced Intelligent Network (AIN) solution to route calls to InfoNXX's 555 numbers in the Phoenix and Tucson local calling areas, at an upfront cost of approximately $125,000 and a per call charge of $.05. Qwest estimated that it would cost approximately $350,000 to further implement the service in all AIN-capable switches in the fourteen states in which Qwest provides local service.

14. After providing its initial verbal estimate, it took Qwest another four (4) months to provide to InfoNXX a formal written Scope of Work for an AIN solution for the Phoenix and Tucson Local Calling Areas. Another three (3) months later, Qwest finally provided InfoNXX with a draft contract defining Qwest's obligations to perform the Scope of Work. The draft contract essentially set forth Qwest's standard contract language and the terms of the Scope of Work that Qwest had detailed some seven (7) months earlier. The contract provided for an upfront payment by InfoNXX of $135,000 and a charge of $.05 for each call placed to InfoNXX's 555 number.

15. More recently, InfoNXX sent letters on December 21, 2001 to SBC, Verizon and BellSouth seeking implementation of InfoNXX's 555 numbers. In February 2002, InfoNXX spoke with representatives of Verizon and SBC, who stated that they were unwilling to take steps to implement InfoNXX's 555 numbers because of the excessive implementation costs involved and the possibility that the Commission might adopt an alternative approach to promoting directory assistance competition.

16. In addition to the LECs' intransigence in implementing 555 numbers that have been assigned for nearly eight (8) years, another issue that threatens the ability of competitive DA providers to offer their services directly to consumers is the potential for LECs to manipulate the structure of billing and collection agreements and the associated charges to prevent competitive DA providers from being able to offer their services at competitive rates. Competitive DA providers are individually too small to provide billing and collection services for themselves, and therefore must depend on LECs (or third party billing firms that impose their own fees and pass through LEC charges) for these services. Without proper oversight or guidelines, LECs could take advantage of the fact that total monthly DA charges for each individual customer are usually small in relation to the customer's total local telephone bill and structure billing and collection charges to make the provision of directory information services to LEC customers unprofitable.

I, Robert Pines, declare and affirm under penalty or perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

/S/
Robert Pines

Executed this 30th day of April, 2002.

ATTACHMENT 2

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Provision of Directory Listing Information Under the Communications Act of 1934, As Amended	)	CC Docket No. 99-273
	)	
The Use of N11 Codes and Other Abbreviated Dialing Arrangements	)	CC Docket No. 92-105
	)	
Administration of the North American Numbering Plan	)	CC Docket No. 92-237
	)	
TO: The Commission	)	

AFFIDAVIT OF J. ALFRED BAIRD

1. My name is J. Alfred Baird. I am a consultant to the telecommunications industry with an office located at 12405 Shari Hunt Grove, Clifton, VA 20124. I have been employed in the telecommunications industry for over 36 years, holding a variety of positions with both incumbent and competitive telecommunications providers. Most recently, I was Vice President of Access Policy and Planning for Pathnet, Inc., a competitive local exchange carrier (CLEC) and facilities-based provider of telecommunications transport services. In that position, I was responsible for directing the planning activities leading to the deployment of the first soft switch (Cisco VSC3000) into the public switched network. I was also responsible for formulating the company's interconnection policy and plans to connect Pathnet's backbone networks into carrier neutral and ILEC locations. On behalf of Pathnet, I worked with legal counsel to negotiate interconnection agreements with all the major incumbent local exchange carriers (ILECs) and some of the smaller ILECs in areas served by Pathnet.

2. Prior to joining Pathnet in May 1998, I was a Staff Director for Verizon, where I was responsible for designing and project managing all of the unbundled local loop offerings being provided to CLECs. Before Bell Atlantic merged with NYNEX, I was responsible for the design of Bell Atlantic's unbundled network transport, and for the design and project management of unbundled local loops, switching, and interim number portability. During my three decades at Bell Atlantic, I also held positions in Corporate Relations, Equal Access Planning (both local and tandem switch policy and planning), Toll Switching (tandem) project management, Toll Facility (transport) Engineering, Central Office (switching) Engineering, and Traffic Trunk Engineering. As a manager and Director in the above positions, I developed comprehensive knowledge of the functionality and interoperability of the switches being deployed in the Bell Atlantic network.

3. While employed at Bell Atlantic, I served at various times as Bell Atlantic's representative to various committees of the industry's Alliance for Telecommunications Industry Solutions (ATIS), including the Information Industry Liaison Committee (IILC), Carrier Liaison Committee (CLC), and the Industry Carriers Compatibility Forum (ICCF). The IILC and ICCF merged and were renamed the Network Interconnection Interoperability Forum (NIIF) Both the IILC and the CLC addressed issues relating to the assignment and implementation of 555 numbers to non-LEC information service providers. As an active participant in the IILC representing Bell Atlantic, I assisted in the development of the final resolution of this issue. *See* IILC Issue #046 (NIIF 0005), *Delivery of Intra-LATA (NPA) 555-NXX Dialed Calls to a Service Provider: Findings and Recommendations* (Final Closure Jan. 6, 1997) (copy attached hereto as Exhibit A).

4. The purpose of this affidavit is to provide comments on the technical capability of ILECs to provide 555 interconnection and routing arrangements for non-LEC information service providers, including directory assistance providers, holding 555 numbers (hereinafter "555 Number Holders"). My comments build on the ATIS/NIIF document, *555 Technical Service Interconnection Arrangements*, ICCF 96-0411-014 (reissued Sept. 10, 1999) (*555 Interconnection*) (originally submitted to the Commission with *ex parte* letter of Gerard J. Waldron, Attorney for InfoNXX, Inc., to Ms. Magalie Roman Salas, Secretary of the Commission (May 24, 2001)).

5. Background. Historically, the 555 NXX has been used primarily for the provision of LEC directory assistance (DA) services, although some LECs have deployed additional 555 numbers for LEC services such as network outage reporting and service requests. In some cases, the LEC end office performs 3-digit analysis at the NXX level and routes all 555 calls to the Operator Switch/Access Tandem, while in other cases, the end office perform 7-digit analysis and routes 555-1212 calls to the Operator Switch and other 555 calls to an intercept announcement. Where the LEC has deployed for its own use 555 numbers other than 555-1212, either the end office switch analyzes the full 7-digit 555-XXXX number and routes the call or the end office switch routes 555-XXXX calls to the Access Tandem, which analyzes the XXXX digits and completes the call. For an interLATA 1+NPA+555-1212 call, the end office performs 3- or 6-digit analysis and routes the call, like any other interLATA call, to the customer's Presubscribed Interexchange Carrier (PIC). The interexchange carrier translates the number and routes the call to the appropriate terminating Access Tandem or Operator Switch as specified in the Local Exchange Routing Guide (LERG) or to its own Operator Switch, performing any

recording for billing purposes using the Automatic Number Identification information provided via the Feature Group D signaling.

6. Following a request from non-LEC information service providers for access to national and regional 555 numbers, the Industry Numbering Committee (INC) produced guidelines for the assignment of 555-XXXX numbers to non-LECs. *See* ATIS/INC, *555 NXX Assignment Guidelines*, INC 94-0429-002 (originally issued in 1994, reissued April 10, 2000). Pursuant to the *555 NXX Assignment Guidelines*, national and regional 555 numbers were issued to a diverse array of information service providers and other entities.

7. ATIS/INC Technical Guidelines. Following the assignment of 555 numbers, the ICCF addressed the technical issues related to the activation and deployment of the assigned 555 numbers. The result was the *555 Interconnection* document, which sets forth the network functions required to enable 555 Number Holders to provide services falling into three broad categories: DA-like, 800-like, and 900/976-like. The *555 Interconnection* document explains that for each category of service, the following network functions are necessary to implement the assigned 555 number: (1) digit analysis and translation of the 555 number; (2) routing of the call; and (3) signaling. In addition to the network issues, the *555 Interconnection* document also addresses ordering, billing and blocking issues.

8. Digit Analysis and Translation. Translation consists of analyzing the digits of a dialed number to determine how to route the call to the appropriate destination (which may be a destination within the local exchange or a trunk group leading to an interexchange carrier who completes the call outside the local exchange). As the *555 Interconnection* document explains, translation of a 555-XXXX (or NPA-555-XXXX) number can take place entirely in the end office switch. However, if end office translation will require more switch memory than a LEC

has available, the end office need only perform a 3-digit or 6-digit analysis (of the NXX or NPA-NXX) to determine that a dialed number includes the 555 NXX. Once a 555 number is identified, the switch can route the call to a centralized Access or Local Tandem ("Tandem") switch (which should have sufficient memory to hold the necessary database) for translation. Where translation is performed in this Tandem, routing information associated with the dialed 555 number would be retrieved and provided to the network switch using either (1) Intelligent Network (IN) or Advanced Intelligent Network (AIN) capabilities or (2) routing functionalities such as those of Feature Group B (950-XXXX), which route the call based on the digit translation tables for the XXXX number.

9. Call Routing. Once a number is translated (either in the end office or Tandem) to determine the correct destination, the network switch routes the call accordingly. A 555 number would be routed to the location designated by the 555 Number Holder, which could be the point of presence (POP) of a designated interexchange carrier, the caller's PIC, or a termination point within the local network. LEC networks perform this type of call routing every day.

10. Signaling. Along with a call, telecommunications networks often utilize "signaling protocols" to transmit additional information about the call (such as Automatic Number Identification (ANI) information about the number from which the call is placed). For example, calls routed to interexchange carriers (through presubscription, Carrier Access Code (CAC) dialing, or 800/900 number dialing) include the dialed number (to enable the interexchange carrier's switch to correctly terminate the call) and the ANI of the calling party (to allow the interexchange carrier to bill the caller), which are transmitted through the Feature Group D signaling protocol. Certain services to be provided by 555 Number Holders likewise will require the originating LEC to transmit information necessary for billing and routing to the

carrier designated to complete the 555 call. Because this information is already included in the Feature Group D signaling protocol, the transmission of this information can readily be accomplished by using the Feature Group D signaling protocol for 555 calls. For intraLATA toll and local calls, the SS7 signaling networks widely used today by the LECs, have the capability to transmit the CNI (Calling Number Identification) of the calling number.

11. Analysis. Based on my extensive knowledge of LEC network architecture and functionality, it is my opinion that the required network features and functions described in the *555 Interconnection* document are readily available in most LEC networks today and can promptly be enabled, without undue expense, to translate and route non-LEC 555 numbers.

12. Most LECs already perform the 3-digit and 6-digit analyses necessary to recognize 555-XXXX and NPA-555-XXXX calls. LECs whose switches do not currently recognize 555 calls would need to "open" the 555 code in their end offices, but that should not impose a significant burden because ILECs open new codes in their end offices every day and there are simple processes in place for handling that operation. LECs could continue to route interLATA NPA-555-XXXX numbers to the caller's PIC, with 555 Number Holders responsible for ensuring that interexchange carriers properly route their interLATA calls.

13. Although some LECs do not now analyze the XXXX digits of a 555-XXXX number, but simply route all 555-XXXX numbers to the LEC's Operator Switch, it should be a relatively simple operation to update the end office switches so that they instead route all 555-XXXX calls to the Tandem for translation. An example of this type of number translation is the Feature Group B calling available through 950-XXXX numbers. Feature Group B was implemented in 1984 as a means of access for interexchange carriers to reach their interLATA customers prior to implementation of equal access (Feature Group D). As the Verizon

Telephone Companies Tariff F.C.C. No. 1, page 6-57, Section 6.2.2.A.4 describes, Feature Group B offers a "uniform access code," in the form of 950-XXXX, for interexchange carriers. In some cases the end office switch screens the XXXX digits to route the call, while in other cases the 950-XXXX number is screened and routed from the Tandem. Translation of 555-XXXX numbers could take place in much the same way.

14. Once the Tandem analyzes the XXXX digits of a 555-XXXX number to determine the correct routing, the Tandem has the capability to route the call to the appropriate trunk group for the corresponding 555 Number Holder. Where the call is to be delivered to an interexchange carrier's POP, the preferred approach is for the 555 Number Holder to arrange for interLATA transport from the interexchange carrier. InterLATA routing through 800 number translation would be another option, but that approach could impose additional, unnecessary costs on 555 Number Holders.

15. Finally, as noted in the *555 Interconnection* document, the signaling protocol necessary to appropriately route and bill 555 services (including DA services), is already available in the network.

16. Conclusion. Based on the *555 Interconnection* guidelines already reached through industry consensus and the foregoing analysis, it is my opinion that 555-XXXX and NPA-555-XXXX numbers held by non-LEC users can readily be deployed in ILEC networks without undue cost or administrative burden. The code is open in most, if not all, ILEC switches, and Tandems have the capability to analyze and route calls based on the XXXX digits following the 555 NXX. The use of existing line class codes or construction of new line class codes can be accomplished readily, as it is with each new service deployed by the ILECs or for routing purposes. Finally, LEC switches have the capability to transmit necessary call

information through existing Feature Group D or local signaling protocols. Accordingly, there is no reason for the Commission to continue to permit ILECs to deny 555 Number Holders access to the valuable numbering resources assigned to them nearly a decade ago.

I, J. Alfred Baird, declare and affirm under penalty or perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

J. Alfred Baird

J. Alfred Baird

Executed this 30th day of April, 2002.

EXHIBIT A

NIIF ISSUE IDENTIFICATION FORM
ISSUE TITLE: Delivery of Intra-LATA (NPA) 555-XXXX Dialed Calls to a Service Provider

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ISSUE ORIGINATOR: Kelly Daniels
COMPANY: GST Telecom
TELEPHONE #:
FAX#:
E-MAIL ADDRESS:

REQUESTED RESOLUTION DATE:
Is this an ESP Request (Y/N) Y

ISSUE #: 0005
FORMER ISSUE#: IILC 046
DATE ACCEPTED: 2/10/94
COMMITTEE ASSIGNED: NIA
CURRENT STATUS: Resolved
RESOLUTION DATE: 01/06/97
ISSUE CHAMPIONS: Carey Caldwell SWBT

ISSUE STATEMENT:
ESPs (including directory assistance information service providers) have a need for the delivery of calls from their end-users using an intra-LATA (NPA) 555-XXXX (i.e., NPA optional depending on local dial plans) dialing arrangement. There is a need to develop uniform delivery services for both line-side and trunk-side service provider arrangements that would include optional features and recording arrangements identified by the service providers. No such services exist today.

A workshop of the Industry Numbering Committee (INC) has developed guidelines for the assignment of "555" numbers to service providers for national and local use. Number assignment(s) could be made as early as May 1994, at which time the service providers will need the above described delivery service(s).

- The service provider's end-users would dial the service provider's assigned intra-LATA (NPA) 555-XXXX number.
- The LEC would deliver the call to the service provider's line-side or trunk-side arrangement, as appropriate.
- Optional features such as, but not limited to, ICLID, ANI, Dialed Number, should be available to the service provider, depending on the arrangement chosen.
- Optional recording and/or billing features should be available depending on the service provider and LEC needs for their services (pay-per-call or non pay-per-call, etc.).

SUGGESTED RESOLUTION:
- Identify technical issues related with provisioning services.
- Clarify service provider needs utilizing IILC Systematic Uniformity Process.
- Identify and document existing or planned LEC services that meet needs.
- Recommend additional solutions, if necessary, through uniformity process.
- Identify any issues pertaining to recommended solutions.

OTHER IMPACTS (if any):

- ICCF/INC 555 Numbering Guidelines.
- OBF/O&P Provisioning Record change.
- IILC Issue 041.
- ICCF proposed access arrangement issue.
- OBF/MPC EMI record recommendations.

CURRENT ACTIVITY:

1/06/97 The group agreed to move IILC Issue 046/NIIF Issue 005 to Final Closure.

RESOLUTION:

Participants should reference Section 2 of the output for the resolution statement.

DOCUMENTATION REQUIREMENT:
(optional)

IILC Issue # 046 (NIIF 0005)

Delivery of Intra-LATA (NPA) 555-NXX Dialed Calls To A Service Provider

Findings and Recommendations

The IILC has investigated the need by Enhanced Service Providers (ESPs) for the delivery of calls from their end-users using an intra-LATA 555 number (i.e., NPA optional depending on local dial plans).

As a result of this investigation, the IILC finds that:

- Industry Carriers Compatibility Forum (ICCF) 555 Workshop activity on Issue #277, 555 Technical Service Interconnection Arrangements, meets the needs identified in this issue

- The document produced by the 555 Workshop (i.e., 555 Technical Service Interconnection Arrangements, ICCE 96-0411-014, dated April 11,1996) should be an integral part of this issue closure documentation. Also, ICCF document "555 NXX Assignment Guidelines," INC 94-0429-002, Revised April 19, 1996, should be included as related background information.

- The "555 Technical Service Interconnection Arrangements" document identifies service interconnection arrangements and dialing plans that could be used by providers of services using 555 line numbers with the following options identified:

  1. A seven-digit or ten-digit dialed exchange services option

  2. A seven-digit or ten-digit dialed 555 access services option over Feature Group D; and

  3. A 1 + FNPA + 555-XXXX (alternate Directory Assistance option)

Based upon these findings, the ILLC recommends that:

- ESPs utilize the ICCF documents included in this issue closure package to meet their needs concerning delivery of calls from their end-users using an intra-LATA 555 dialing arrangement.

- ESPs desiring such arrangements as described in the 555 Technical Service Interconnection Arrangements document may contact their respective network provider for more information.

FINAL CLOSURE RESOLVED AS NIIF Issue 0005 on January 6, 1997.